

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED-CLERK
U.S. DISTRICT COURT

2008 AUG -6 PM 4: 03

SALLY BEAUTY SUPPLY, L.L.C., §
Plaintiff, §

TEXAS-EASTERN

v. §

CASE NO. 4:07cv522

BY _____

WALLACE O'FARRELL MARKETING §
INC., a/k/a/ WAL-MED, INC. §


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 7, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss (Dkt. 4) be DENIED in its entirety.

The court has made a *de novo* review of the objections raised by Defendant and Plaintiff's response. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendant are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Therefore, Defendant's Motion to Dismiss (Dkt. 4) is DENIED in its entirety.

IT IS SO ORDERED.

SIGNED this 6th day of Aug, 2008.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE